REMARKS

This is a full and timely response to the Advisory Action mailed September 8, 2005 (Paper 050906). Reconsideration and allowance of the Application and presently pending claims are respectfully requested in view of the foregoing remarks.

Response to Response to Argument

Applicants respectfully submit that *White* in view of *Watts* does not teach or disclose all of the claimed features.

A. <u>Claim 101</u>

Claim 101, as amended, recites:

> 101. A method implemented by a television set-top-terminal ("STT") configured to receive a video program from a remote server, comprising the steps of:
>
> storing by the STT a first plurality of streams corresponding to the video program in the remote server, said first plurality of streams including a second plurality of streams and a supplementary data stream that is different than all the streams in the second plurality of streams, said second plurality of streams including an audio stream, a video stream, and a subtitle stream, said supplementary data stream corresponding to supplementary information;
>
> *providing a first selectable option to receive the video program from a plurality of video programs;*
>
> *receiving a first viewer input from a viewer, the first viewer input being configured to select the first selectable option;*
>
> *responsive to receiving the first viewer input, providing a second selectable option to receive the supplementary data stream in the STT, wherein the second selectable option is first provided after receipt of the first user input and as a direct result of receiving the first user input;*
>
> receiving a second viewer input from a viewer responsive to providing the second selectable option;
>
> responsive to receiving the second viewer input corresponding to selecting the second selectable option, communicating with the server by the STT via a first transmission channel to receive the first plurality of streams,
>
> receiving a respective sequential portion of each stream in the first plurality of streams substantially simultaneously via a tuner in the STT tuned to the first transmission channel,

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storing the sequential portions of the supplementary data stream and each stream in the second plurality of streams into respective sections of a memory in the STT, and

presenting the supplementary data stream and an audio stream and a video stream of the video program in the second plurality of streams in their respective decoded form simultaneously at a plurality of respective time intervals corresponding to respective portions of the video program; and

responsive to receiving the second viewer input corresponding to a viewer input that is different than a viewer input corresponding to selecting the second selectable option,

receiving a respective sequential portion of each stream in the first plurality of streams substantially simultaneously via a tuner in the STT tuned to the first transmission channel,

rejecting the supplementary data stream at the STT,

storing the sequential portions of each stream in the second plurality of streams into respective sections of the memory in the STT, and

presenting the audio stream and the video stream of the video program in the second plurality of streams in their respective decoded form simultaneously at a plurality of respective time intervals corresponding to respective portions of the video program.

(Emphasis Added)

First of all, the Advisory Action rhetorically alleges the following.

> "*Watts et al.* [discloses] that the user is operable to access the programming guide for information on the programs available in the primary content data whereupon the user is operable to utilize a selectable option in order to activate supplemental programming. Why would *Watts* provide a selectable option to enable/disable supplemental programming for programs that are unavailable?"

(Advisory Action, page 2)

In fact, *Watts* apparently discloses on column 8, lines 17-29 as follows.

> In one embodiment of the present invention, synchronization logic 141 can be enabled and disabled by a user. In one implementation, this enablement option is made available to the user via an on-screen programming guide. As discussed above, a user is able to access the programming guide via programming database control 125 for information on the programs available in primary content data 107. In this implementation, an additional user-selectable icon is provided to the user which allows the user to toggle enablement

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of subsidiary data. When selected by a user, programming database control 125 notifies synchronization logic 141 of whether subsidiary data provision has been enabled or disabled."

Applicants respectfully submit that *Watts* fails to disclose or suggest the steps of "providing the first selectable option to receive a video program from a plurality of programs," "receiving a first viewer input, the first user input being configured to select the first selectable option," and "responsive to receiving the first viewer input, providing a second selectable option to receive the supplementary data stream in the STT, wherein the second selectable option is first provided after receipt of the first user input and as a direct result of receiving the first user input", (Emphasis Added) as recited in claim 101.

Apparently, the "user-selectable icon [that] allows the user to toggle enablement of subsidiary data" is always provided in the programming guide. A user must select the on-screen programming guide in order to receive the user-selectable icon. When the user-selectable icon is selected by the user, the subsidiary data is apparently enabled for the currently tuned program. *Watts* does not disclose that the on-screen programming guide or the user-selectable icon is "first provided after receipt of the first user input and as a direct result of receiving the first user input" of selecting the video program.

The Advisory Action alleges that "*White et al.* teaches that the program does not appear or become available in the programming guide unless the program has been ordered. Accordingly, taken in combination, *White* makes programming available in the programming guide and *Watts* subsequently provides a means for the user to enable/disable the display of the supplemental content associated with the program." (Advisory Action, page 2). The previous Office Action mailed on April 20, 2005 admits that *White* "does not particularly disclose the details corresponding to the delivery of the requested video program in connection with the synchronous delivery, storage, and rendering of supplemental content as claimed." (Office Action, page 6). In this regard, Applicants respectfully submit that *White* also fails to disclose or suggest the steps of "providing the first selectable option to receive a video program from a plurality of programs," "receiving a first viewer input, the first user input being configured to select the first selectable option," and "responsive to receiving the first viewer input, providing a second selectable option to receive the supplementary data stream in the STT, wherein the

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second selectable option is first provided after receipt of the first user input and as a direct result of receiving the first user input", (Emphasis Added) as recited in claim 101

Accordingly, because *White* in view of *Watts* fails to disclose, teach, or suggest each and every element of claim 101, Applicants respectfully submit that a *prima facie* case of obviousness cannot be established based on *White* in view of *Watts*. Consequently, Applicants respectfully request that claim 101 be allowed and the rejection be withdrawn.
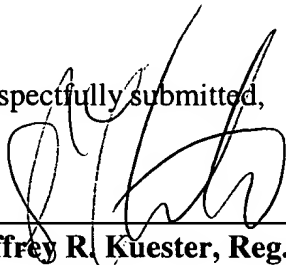
B. Claims 57-59, 61, 63-65, 92-98 and 102-103

Because independent claim 101 is allowable over the cited art of record, dependent claims 57-59, 61, 63-65, 92-98 and 102-103 are also allowable as a matter of law for at least the reason that dependent claims 57-59, 61, 63-65, 92-98 and 102-103 contain all features and elements of their respective independent base claim. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the rejection to dependent claims 57-59, 61, 63-65, 92-98 and 102-103 be withdrawn for this reason.

CONCLUSION

Any other statements in the Advisory Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well-known since the Advisory Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Applicants respectfully maintain that the currently pending claims are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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